

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD A. STERRETT,	)	
	)	
Plaintiff,	)	Civil Action No. 14-235
	)	
v.	)	Judge Cathy Bissoon
	)	Magistrate Judge Maureen P. Kelly
GIANT EAGLE, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This case has been referred to United States Magistrate Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636 and Local Rule of Civil Procedure 72.

On January 22, 2015, the Magistrate Judge issued a Report (Doc. 54) recommending that the Court grant Defendants' Motions (Docs. 46 & 48) to dismiss Counts I and II of the Amended Complaint, regarding Plaintiff's labor-related claims.<sup>1</sup> Service of the Report and Recommendation was made on the parties, and Plaintiff has filed Objections. *See* Doc. 55.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered:

Defendants' Motions (**Docs. 46 & 48**) to dismiss are **GRANTED**; **Counts I and II** of the Amended Complaint are **DISMISSED WITH PREJUDICE**; the Magistrate Judge's Report and Recommendation hereby is adopted as the Opinion of the District Court; and this case may

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<sup>1</sup> The OK Grocery Defendants have not challenged, at the 12(b)(6) stage, Plaintiff's claims under the FMLA. Those claims, therefore, remain unaffected.

proceed against the OK Grocery Defendants, only, under Counts III and IV of the Amended Complaint.<sup>2</sup>

IT IS SO ORDERED.

February 25, 2015

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All counsel of record

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<sup>2</sup> Given that the only claim against the Defendant-Union has been dismissed, the Union has been terminated as a party to this lawsuit.